

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

DATE 1/30/2025

**DISTRICT JUDGE
Amos L. Mazzant, III**

COURT REPORTER: Chris Bickham
COURTROOM DEPUTY: Keary Conrad

UNITED STATES OF AMERICA

V.

CASE NUMBER 4:21CR285.50

TOMAS DEHOYOS

ATTORNEY FOR GOVERNMENT

Heather Rattan

ATTORNEY FOR DEFENDANT

Amanda Fisher Moore

On this day, came the parties by their attorneys and the following proceedings were held in Sherman, TX:

TIME:	MINUTES: Sentencing
9:31 a.m.	Court in session. Court notes appearances. Parties have reviewed PSR. Defendant acknowledges he fully understands the PSR and is satisfied with the accuracy of the report. No additions, corrections, or comments by the Government. No additions, corrections, or comments by counsel for the Defendant. No objections by Government.
9:31 a.m.	The Court addresses the Defendant's objections (Dkt. #1592, sealed). Objection to paragraph 12 residence was 105 Sipes Court, Arlington, Texas; Objection to paragraph 23 2 level enhancement for possession of firearms; Court hears argument from counsel. The Court overrules the Defendant's both objections based on preponderance of the evidence and the Court incorporates the probation officers' response. Objection to paragraph 24 – 2 level reduction pursuant to USSG §2D1.1(b)(18) because he meets the criteria set forth in subdivisions (1)-(5) of subsection (a) of USSG §5C1.2 (Limitation on Applicability of Statutory Minimum Sentences in Certain Cases). Court hears argument from counsel. The Court overrules the Defendant's objection and incorporates the probation officers' response. Objection to paragraphs 20 and 30 – objection to not receiving acceptance of responsibility. Court overrules, but will give Defendant 1 point. Objection to paragraph 31 – TOL 29 Objection to paragraph 57 – TOL 29 and CHC: 1 for guideline range of 87 to 108 months Objection to paragragh 74 – grounds for downward departure or variance which is presented in sentencing memorandum. Court hears from counsel and counsel notes that it has been resolved.
	The Court notes Defendant pled guilty to Count 4 of the Fourth Superseding Indictment pursuant to a plea agreement. The Court accepts the plea agreement.
9:41 a.m.	TOL: 34, CHC I, Count 1: 151-188 months. The Court will grant a variance down to

	a TOL of 33. Defendant's CHC I making a guideline range of 135 – 168 months.
9:43 a.m.	Court hears from Defendant's mother, Marisela De Hoyos Castillo.
9:44 a.m.	The Court hears from Defendant's counsel regarding sentence. Defendant's counsel is requesting a downward departure and asking for a sentence of 60 months and requests that the language be included to run this case concurrently to the state sentence. Defense counsel notes that the Defendant was writted on May 17, 2023. Court notes receipt and review of Defendant's sentencing memorandum and request for downward variance (Dkt. #1642) and receipt of letters and certificates of completion.
9:52 a.m.	The Court hears from Government.
9:54 a.m.	Defendant allocuted.
	<p>The Court anticipates Dallas County will dismiss the state charge. If they pursue it, the Court is not sure that the Defendant will get credit. Court will recommend the BOP give appropriate credit where necessary. The Court grants a variance giving the Defendant a one point reduction lowering the range. Court will grant further variance based on age, remorse, lack of criminal history, addiction to drugs. The sentence imposed for a total term of 74months imprisonment. The term of imprisonment imposed by this judgment shall run concurrently to the defendant's pending case for Possession of a Controlled Substance Penalty Group 1 / 1-B Greater Than or Equal to 4 Grams but Less Than 200 Grams, under Docket No: F-23-30498, in the Criminal District Court No. 2, in Dallas, Texas. The Court recommends the defendant receive appropriate drug treatment (specifically the RDAP program). Fine waived, special assessment of \$100, supervised release for a term of 5 years. All mandatory and special conditions were referred to as referenced in the PSR. The Court confirmed that the Defendant has reviewed General Order 17-3 and has no objections.</p> <p>The Court notes that this is the sentence the Court would impose even if wrong on the objections.</p>
	Defendant's counsel requests the Court recommend FCI Seagoville, if available.
10:02 a.m.	Rights of appeal addressed.
10:03 a.m.	Government orally moves to dismiss remaining counts and underlying indictment(s). Court orally grants Government's request.
10:03 a.m.	Defendant remanded to custody of USM.

DAVID O'TOOLE, CLERK

BY: Keary Conrad

Courtroom Deputy Clerk